

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff
State of New Jersey, Department
of Environmental Protection
Richard J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625

BY: DAVID W. REGER
Deputy Attorney General
(609) 292-1548

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
ESSEX COUNTY

DOCKET NO. C-1852-83E

STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiffs,

vs.

SCIENTIFIC CHEMICAL PROCESSING, INC.,
a corporation, et al,

Defendants

Civil Action

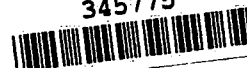
NOTICE OF MOTION

TO: CLERK OF THE COURT

Harriet Sims Harvey, Esq.
71 Spring Lane
Englewood, New Jersey 07631

Edward J. Egan, Esq.
1073 E. Second Street
Box 190
Scotch Plains, New Jersey 07076

345775



Paul S. Barbire, Esq.
Presto & Barbire
18 Glen Road
Rutherford, New Jersey 07070

Mr. Leif R. Sigmond
215 Comanche Drive
Ocean Port, N.J. 07757

Mr. Herbert G. Case
71 Mountainview Terrace
Dunnellen, New Jersey

PLEASE TAKE NOTICE, that on Friday, September 23, 1983, at 9:00 o'clock in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorney for plaintiff, State of New Jersey, Department of Environmental Protection, will move before the Honorable Reginald Stanton, at the Morris County Court House, Morristown, New Jersey, for an order requiring that defendants, Leif R. Sigmond and Dominick Presto, a partnership, t/a Sigmond and Presto; and Dominick Presto individually and Leif R. Sigmond individually, forthwith execute a valid contract with an approved cleanup contractor for cleanup of Newark Scientific Chemical Processing, Inc. site, in the within captioned matter.

Take further notice that the State will rely on the attached affidavit of David W. Reger, Esq.

The undersigned hereby requests that oral argument be scheduled with respect to this motion.

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By David W. Reger
David W. Reger
Deputy Attorney General

CERTIFICATION

Pursuant to R. 1:6-4 the original of the within motion was filed with the Clerk of the Superior Court in Trenton, a copy was filed with the Clerk of Essex County and copies were mailed by regular mail to each named party in the above-captioned matter.

David W. Reger

David W. Reger
Deputy Attorney General

DATED: September 8, 1983

STATE OF NEW JERSEY)
 : ss
COUNTY OF MERCER)

AFFIDAVIT

DAVID W. REGER, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I am the Deputy Attorney General assigned to handle the above-captioned matter on behalf of the State, Department of Environmental Protection (DEP).

2. By a revised order of this court dated June 15, 1983, the owners of property located at 411 Wilson Avenue, Newark, New Jersey, (Newark Site) were directed to submit plans to cleanup the site of all chemical waste and other hazardous substances situated thereon. Individuals involved with defendant corporations, Scientific Chemical Processing, (SCP), Energall, Inc. and Presto, Inc. were also directed to provide DEP and the court with final plans.

3. On July 7, 1983 a hearing was held before the court regarding the adequacy of the plans submitted by the above parties. At that time I advised the court, on behalf of DEP, that the plan submitted by S & W Waste on behalf of defendants, Sigmond and Presto, a partnership; Leif R. Sigmond and Dominick Presto, individually, were generally acceptable. Deficiencies in the plan were noted. However, it was agreed that same could most easily be resolved at a meeting between the parties. These results were ultimately embodied in an order of this court dated July 27, 1983. Copy is attached as Exhibit "A".

4. A meeting was held on July 19, 1983 with representatives of Scientific Chemical Processing, Mr. Sigmond and Mr. Presto and S & W Waste, Harriet S. Harvey, Esq., Edward J. Egan, Esq. and Mr. Case to further discuss the details of the cleanup of the Carlstadt and Newark sites. At that time it was agreed between the parties that Sigmond and Presto would advise the State by July 26, 1983 of the contractor which it intended to hire to undertake the cleanup of the Newark site. It was further agreed that said contractor would provide DEP with a more detailed report by August 2, 1983. I set forth the results of the above meeting in a letter to Dominick Presto dated July 21, 1983. Copy is attached as Exhibit "B".

5. By letter dated July 27, 1983, Dominick Presto advised me that on behalf of himself individually and his interest in the Sigmond and Presto partnership, he intended to contract with S & W Waste for the Newark site cleanup. However, since Mr. Sigmond was out of the country, he stated that he could not speak for Mr. Sigmond. Copy of Mr. Presto's letter is attached hereto as Exhibit "C".

6. By letter dated July 29, 1983, I advised Mr. Presto that since he intended to use S & W Waste for the cleanup, an on-site inspection should be arranged between S & W personnel and the DEP. A copy of my letter is attached as Exhibit "D". Mr. Presto did not respond to this letter.

7. By letter dated August 5, 1983, I advised Your Honor of the status of the cleanups of the Newark and Carlstadt sites. Regarding the Newark site, I stated DEP's position was that Mr. Presto and Mr. Sigmond had not made an adequate effort to promptly retain a contractor to handle the cleanup of the Newark site. I further

stated that I would advise Your Honor of the status of this situation. A copy of my letter is attached as Exhibit "E".

8. Mr. Robert Chitren of S & W Waste advised me by telephone that his company met with Mr. Presto during the first week of August to discuss arrangements for cleanup of the Newark site. At that time, Mr. Presto requested that S & W prepare a contract for his signature.

9. By letter dated August 24, 1983, Robert Chitren forwarded me copy of a form of contract which had been provided to Mr. Presto pursuant to his request.

10. By letter dated August 29, 1983 to Mr. Presto, I confirmed our telephone conversation wherein it was agreed that Mr. Presto would advise me by August 31, 1983 whether he had executed the contract. A copy of my letter is attached as Exhibit "F".

11. I have contacted Mr. Presto on several occasions after the above letter was sent to determine the status of the contract. He advised that he had not executed same because there were several problems which must be resolved. Mr. Presto's position was confirmed in a letter to me dated September 1, 1983. A copy of Mr. Presto's letter is attached as Exhibit "G".

12. On September 6, 1983, I spoke with Harry Moscatello, a principal in S & W Waste who advised that he had not been contacted by Mr. Presto regarding the proposed form of contract.

13. Based upon the above facts, it is respectfully submitted that neither Sigmond and Presto, a partnership, nor Mr. Sigmond or Mr. Presto, individually, have made a good faith effort to enter into

a contract for cleanup of the Newark site. This court has directed that said defendants take such action forthwith. Accordingly, I had no other choice but to submit this motion again seeking the aid of this court requesting that it direct the above defendants to execute the contract with S & W Waste forthwith.

David W. Reger

David W. Reger

Sworn and subscribed to before

me this 8th day of September, 1983.

Marie A. Phillips

Marie A. Phillips
Notary Public of New Jersey
My Comm. Expires 4/2/86

FILED

RECEIVED

J.S.C.

RECEIVED

JUL 27 1983

DAVID W. REGER, D.A.G.

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff .
State of New Jersey, Department
of Environmental Protection
Richard J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625

BY: DAVID W. REGER
Deputy Attorney General
(609) 292-1548

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
ESSEX COUNTY

DOCKET NO. C-1852-83E

STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiffs,

vs.

SCIENTIFIC CHEMICAL PROCESSING, INC.,
a corporation, et al,

Defendants

Civil Action

ORDER

This matter having been set down by the Court for a hearing
on July 7, 1983, and Deputy Attorney General David W. Reger appearing
on behalf of the Department of Environmental Protection (DEP); and
Harriet Sims Harvey, Esq. appearing on behalf of defendant Mack Barnes;
and Edward J. Egan, Esq. appearing on behalf of defendants Inmar Associ-
ates, Inc. and Marvin Mahan; and Paul S. Barbire, Esq. appearing on

behalf of defendants, Sigmond and Presto, a partnership, and Dominick Presto individually; and Robert McDonald, Esq. appearing on behalf of the City of Newark; and Herbert G. Case and Leif R. Sigmond appearing pro se; and

It further appearing that defendants Dominick Presto and Sigmond and Presto, a partnership, submitted a plan to the court and the DEP for a cleanup of the Newark site located at 411 Wilson Avenue, Newark, New Jersey; and

It further appearing that defendant Inmar Associates, Inc. submitted a plan to the Court and DEP for cleanup of the Carlstadt site located at 216 Paterson Plank Road, Carlstadt, New Jersey; and

The court having considered the aforesaid cleanup proposals, and briefs submitted regarding the issue of defendant Marvin Mahan's individual liability, the arguments of counsel, and for good cause shown;

IT IS on this 27 day of July, 1983, ORDERED that:

1. The proposal for cleanup of the Newark site submitted by defendants Dominick Presto, individually, and Sigmond and Presto, a partnership, is broadly acceptable to DEP and the Court.

2. All defendants involved with the Newark site, together with their representatives and cleanup contractor are directed to meet forthwith with representatives of the DEP to clarify issues not fully addressed in the cleanup proposal for the Newark site. Thereafter, necessary analyses of the waste materials situated on the Newark site shall be promptly initiated.

3. The proposal for cleanup of the Carlstadt site submitted by defendant Inmar Associates, Inc. is ~~unacceptable to DEP and the Court because it~~ *B.I.T.S.* does not provide sufficient detail to afford a basis for evaluation.

4. Representatives of Inmar Associates, Inc., together with its cleanup contractor shall meet forthwith with representatives of the DEP to develop and agree upon a plan for cleanup of the Carlstadt site. Thereafter, necessary analyses of the waste material situated on the Carlstadt site shall be promptly initiated.

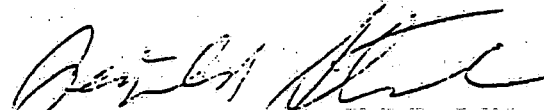
5. Defendants, Leif R. Sigmond and Dominick Presto shall submit plans for cleanup of the Carlstadt site to the Court and all parties by August 5, 1983. In the alternative, said defendants may indicate that they join with the plan developed and submitted by Inmar Associates, Inc. * Defendants Sigmond and Presto are also directed to participate in meetings with the DEP regarding cleanup of the Carlstadt site as set forth in Paragraph 4 above.

6. Mr. Carl Ling, a former employee of Scientific Chemical Processing, Inc., Energall, Inc. and/or Presto Inc. shall cooperate with the defendants herein in the development or implementation of the plans to cleanup the Newark and Carlstadt sites.

7. Deputy Attorney General David W. Reger shall provide the Court with a report on the status of the cleanups of the Newark and Carlstadt sites on or before August 5, 1983.

* The Court notes Mr. Sigmond's claim of financial inability. The Court has not yet ruled upon that matter. - B.I.T.S.

8. Defendant Marvin Mahan's motion to dismiss the complaint as against him individually is denied without prejudice.

A handwritten signature in dark ink, appearing to read 'Reginald Stanton', is written over a horizontal line.

REGINALD STANTON, J.S.C.



State of New Jersey

IRWIN L. KIMMELMAN
ATTORNEY GENERAL

THOMAS W. GREENISH
FIRST ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

ENVIRONMENTAL PROTECTION SECTION

RICHARD J. HUGHES JUSTICE COMPLEX

CN 112

TRENTON 08625

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DIRECTOR

LAWRENCE E. STANLEY
DEPUTY ATTORNEY GENERAL
SECTION CHIEF

JOHN M. VAN DALEN
DEPUTY ATTORNEY GENERAL
ASSISTANT SECTION CHIEF

July 21, 1983

Dominick Presto, Esq.
Presto & Barbire, Esqs.
18 Glen Road
Rutherford, New Jersey 07070

Re: State of New Jersey, DEP v.
Scientific Chemical Processing, Inc., et al.
Docket No. C-1852-83E

Dear Mr. Presto:

I believe that the meeting held on July 19, 1983 between representatives of Sigmond and Presto, Mr. Sigmond, Mr. Presto, S & W Waste Co. (one of Sigmond and Presto's proposed cleanup contractors), Harriet Sims Harvey, Esq., Edward J. Egan, Esq., Mr. Case and the DEP was helpful to all concerned. Personnel from the DEP who will be involved with supervising the cleanup of the Newark site had the opportunity to review the S & W proposal and to present their comments regarding same. During discussions, DEP personnel requested that S & W provide the following: quality assurance-quality control (QA/QC) program, detailed decontamination procedures, and plans for continuous air monitoring at the site. S & W indicated that this information is available and can be provided forthwith.

After the above discussions, it was agreed between the parties that Sigmond and Presto would advise the State by July 26, 1983 of the name of the contractor which it intends to hire to undertake the Newark site cleanup. It was further agreed that the selected contractor would provide DEP with a more detailed report including information presented in the S & W Waste report.

EXHIBIT "B"

Dominick Presto, Esq.

July 21, 1983

Page 2

together with the additional materials requested at the July 19, 1983 meeting. This report is to be forwarded to my attention by August 2, 1983. Finally, personnel from S & W Waste and DEP agreed that they should meet at the Newark site to conduct on-site inspections.

Upon receipt of the above information, I will be in a position to advise Judge Stanton by August 5, 1983 of the status of the Newark cleanup.

Again, I would like to thank you and other representatives of Sigmond and Presto for meeting with us in connection with this matter.

Very truly yours,

Irwin I. Kimmelman
Attorney General of New Jersey



David W. Reger
Deputy Attorney General

DWR:fac

cc: Jerry Burke, Esq.
Edward J. Egan, Esq.
Harriet Sims Harvey, Esq.
Leif R. Sigmond
Herbert G. Case

bc: Jonathan Berg, DWM
Ron Senna, DWM
George Weiss, DWM

Presto & Barbire

Counsellors at Law

*18 Glen Road
Purthorford, New Jersey 07070
Area Code 201 939-4868*

Dominick N. Presto

Paul S. Barbire

July 27, 1983

Department of Law and Public Safety
Division of Law
Environmental Protection Section
Richard J. Hughes Justice Complex
CN 112
Trenton, N.J. 08625

Attn: Mr. David W. Reger,
Deputy Attorney General

Re: State of New Jersey, Department of Environmental Protection
vs. Scientific Chemical Processing, Inc., et als.
Docket Number: L-1852-83E

Dear Mr. Reger:

This will confirm our conversation of Monday, July 25, 1983 when I advised you that Mr. Sigmond was out of the Country due to the fact that his mother, who is a resident of Norway, passed away and he is there. I have tried to determine when he will return but I am advised that he made no definite time and that he was to make the most economic plans possible.

Speaking in behalf of myself, as a member of the partnership of Sigmond and Presto, it is my intention to contract with S & W and I feel confident that this is the position of Leif Sigmond also with respect to the Newark site. Of course, the financial aspect will have to be worked out.

At this writing, I am not aware of what progress Inmar has made with S & W and therefore I am not ready to make any commitment.

Very truly yours,

PRESTO & BARBIRE

Dominick Presto

By

Dominick Presto

DP/az

EXHIBIT "C"



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

ENVIRONMENTAL PROTECTION SECTION

RICHARD J. HUGHES JUSTICE COMPLEX

CN 112

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JOHN M. VAN DALEN
DEPUTY ATTORNEY GENERAL
ASSISTANT SECTION CHIEF

July 29, 1983

Dominick Presto, Esq.
Presto & Barbire, Esqs.
18 Glen Road
Rutherford, New Jersey 07070

Re: State of New Jersey, DEP v. Scientific Chemical Processing,
Inc., et al
Docket No. L-1852-83E

Dear Mr. Presto:

I am in receipt of your letter dated July 27, 1983 advising that you intend to contract with S & W Waste for cleanup of the Newark site. Further, while you were not able to determine the position of Mr. Sigmond, it is my understanding that the Sigmond and Presto partnership also approves of using S & W.

I suggest that you have personnel from S & W contact Jonathan Berg and Ron Senna of the Department to arrange an on-site inspection of the property.

Pursuant to our discussions at the recent meeting in my office regarding the cleanup of the Newark and Carlstadt sites, I expect to receive a final plan for cleanup of the Newark site by August 2, 1983.

If you have any questions regarding this letter, please do not hesitate to contact me.

Very truly yours,

IRWIN I. KIMMELMAN
ATTORNEY GENERAL

By David J. Eger
Deputy Attorney General

DWR:map
cc: Edward J. Egan, Esq.
Harriet Sims Harvey, Esq.
Herbert G. Case
Paul J. Sigmond
John J. J. Esq.

EXHIBIT "D"



State of New Jersey

IRVING KAMMELMAN
ATTORNEY GENERAL

THOMAS W. SPEELISH
FIRST ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
ENVIRONMENTAL PROTECTION SECTION
RICHARD J. HUGHES JUSTICE COMPLEX
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TRENTON 08625

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DEPUTY ATTORNEY GENERAL
SECTION CHIEF

JOHN M. VAN DALEN
DEPUTY ATTORNEY GENERAL
ASSISTANT SECTION CHIEF

TELEPHONE 609-292-1548

August 5, 1983

Honorable Reginald Stanton
Superior Court of New Jersey
228 Hall of Records
Newark, New Jersey 07102

Re: State of New Jersey, Department of Environmental
Protection v. Scientific Chemical Processing, Inc., et al
Docket No. L-1852-83E

Dear Judge Stanton:

Pursuant to Your Honor's direction, on July 19, 1983 personnel from the Department of Environmental Protection (DEP) met with representatives of Inmar Associates, Mr. Presto, Mr. Sigmond, Ms. Sims and S & W Waste. The meeting was arranged by Inmar to discuss the cleanup of the Carlstadt site. Since Mr. Sigmond and Mr. Presto attended the meeting, discussions regarding cleanup of the Newark site also took place.

At the above meeting, S & W Waste presented DEP with a draft plan for cleanup of the Carlstadt site. After review of same, DEP personnel took the position that the proposal was generally acceptable, but requested further detail in the areas of Quality Control/ Quality Assurance (QA/QC), decontamination, air monitoring and safety. At the end of the meeting, both Inmar and Messrs. Presto and Sigmond agreed to provide me with the name of the cleanup contractor which they had retained by July 26, 1983. Further, each party was to provide DEP with a revised cleanup plan which included sections discussing the areas of deficiencies raised by DEP by August 2, 1983.

CARLSTADT SITE

Mr. Egan has advised me that S & W was retained by Inmar to handle

EXHIBIT "E"

August 5, 1983

the cleanup of the Carlstadt site. As requested, S & W submitted a revised cleanup plan. There is a major deficiency in the plan since S & W again failed to provide its QA/QC procedures. However, I have asked that DEP personnel contact S & W in order to promptly obtain same. I am advised that DEP had several other minor questions that can be answered in a telephone conversation with S & W personnel.

Based upon my conversations with DEP personnel, Mr. Egan and S & W Waste personnel, it appears that the sampling phase of the cleanup can start as early as next week.

NEWARK SITE

By letter dated July 27, 1983, Mr. Presto advised me that he intended to retain S & W Waste to handle the cleanup of the Newark site. (Copy attached). However, because Mr. Sigmond was overseas at the time, Mr. Presto stated that he could not advise me of the position of the Sigmond and Presto partnership.

I contacted Mr. Presto's office on August 3, 1983 attempting to determine whether he had, in fact, retained a cleanup contractor. Mr. Barbire, Mr. Presto's law partner, advised that Mr. Presto had met with S & W Waste and directed them to forward me a letter stating that they would be retained by Sigmond and Presto. Mr. Barbire was not able to be more specific because Mr. Presto had left the office for vacation. Thereafter, I contacted Robert Chitren of S & W Waste in an attempt to determine the status of the negotiations between his firm and Mr. Presto. He advised that Mr. Presto asked S & W to prepare a contract for his signature upon return from vacation.

I respectfully submit that Mr. Presto and Mr. Sigmond have not made an adequate effort to promptly retain a contractor to handle cleanup of the Newark site. At the hearing on July 7, 1983, the State took the position that the cleanup plan submitted by Presto and Sigmond was generally adequate. Since a contractor still has not been retained, it is clear that little movement has occurred in the last month. During the hearing, Your Honor made it very clear that the defendants were to make every effort to expedite the cleanups of the SCP sites. In the case of the Newark site, I do not believe that this direction was followed. Accordingly, if Mr. Presto does not advise me within 14 days of the date hereof that S & W Waste has been retained to cleanup the Newark site, I request that this Court set down the issue of the cleanup of the Newark site for a hearing. In addition, this hearing should deal with the financial capability of the defendants involved with that site to pay for same. I will contact Your Honor on August 22, 1983 to advise you of the situation.

Finally, it is my understanding that Your Honor will be moving from the Chancery Division, Essex County to Chancery Division, Morris County on or about September 1, 1983. Because of the public importance

August 5, 1963

of this matter, there is a need to expedite it in every way possible. Accordingly, in order to assure that there are no delays in implementation of the cleanups, I request that this case remain on Your Honor's calendar rather than being assigned to a new Judge.

Respectfully yours,

IRWIN D. KINZELMAN
ATTORNEY GENERAL

By David W. Rager
David W. Rager
Deputy Attorney General

DWR:map

Enclosure

cc: All counsel w/enc.
Jerry Burke, Esq.
Leonard Romino, BSM
Mr. Leif R. Sigmond
Mr. Herbert G. Case
(w/enc.)

bc: Jonathan Berg

Presto & Barbine
Counsellors at Law

18 Glen Road
Rutherford, New Jersey 07070
Area Code 201 999-4868

Dominick D. Presto
Paul S. Barbine

July 27, 1983

Department of Law and Public Safety
Division of Law
Environmental Protection Section
Richard J. Hughes Justice Complex
CN 112
Trenton, N.J. 08625

Attn: Mr. David W. Reger,
Deputy Attorney General

Re: State of New Jersey, Department of Environmental Protection
vs. Scientific Chemical Processing, Inc., et als.
Docket Number: L-1852-83E

Dear Mr. Reger:

This will confirm our conversation of Monday, July 25, 1983 when I advised you that Mr. Sigmond was out of the Country due to the fact that his mother, who is a resident of Norway, passed away and he is there. I have tried to determine when he will return but I am advised that he made no definite time and that he was to make the most economic plans possible.

Speaking in behalf of myself, as a member of the partnership of Sigmond and Presto, it is my intention to contract with S & W and I feel confident that this is the position of Leif Sigmond also with respect to the Newark site. Of course, the financial aspect will have to be worked out.

At this writing, I am not aware of what progress Inman has made with S & W and therefore I am not ready to make any commitment.

Very truly yours,

PRESTO & BARBINE



State of New Jersey

IRWIN I. KIMMELMAN
ATTORNEY GENERAL

THOMAS W. GREELISH
FIRST ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF LAW AND PUBLIC SAFETY
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DEPUTY ATTORNEY GENERAL
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JOHN M. VAN DALEN
DEPUTY ATTORNEY GENERAL
ASSISTANT SECTION CHIEF

TELEPHONE (609) 292-1548

August 29, 1983

Dominick Presto, Esq.
Presto and Barbira, Esqs.
18 Glen Road
Rutherford, New Jersey 07070

Re: State of New Jersey v. Scientific Chemical Processing

Dear Mr. Presto:

This is to confirm our telephone conversation on this date wherein you advised that you are presently reviewing the form of contract forwarded to you by S & W Waste. It was agreed that you would advise me by August 31st whether you had executed same.

Very truly yours,

IRWIN I. KIMMELMAN
Attorney General

By David W. Reger
David W. Reger
Deputy Attorney General

DWR:map
cc: Jerry Burke, Esq.

EXHIBIT "F"

Presto & Barbire
Counsellors at Law

18 Glen Road
Rutherford, New Jersey 07070
Area Code 201 939-4868

Dominick D. Presto
Paul S. Barbire

SEPTEMBER 1, 1983

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
ENVIRONMENTAL PROTECTION SECTION
RICHARD J. HUGHES JUSTICE COMPLEX
CN 112
Trenton, New Jersey 08625

ATTN: DAVID W. REGER, DEPUTY ATTORNEY
GENERAL

RE: STATE OF N. J. - SCIENTIFIC CHEMICAL PROCESSING

Dear Mr. Reger:

This will confirm our telephone conversation of today wherein I advised you of the progress being made with the S & W Waste contract. I did meet with Herb Case and we reviewed the contract from its content point of view and the changes which were to be made.

In my view, the contract was quite one sided and of necessity I must make certain modifications. Additionally their proposed cost schedule was at variance with our original discussions in this matter.

Mr. Case is to meet with one of the representatives of S & W to discuss the cost aspects and I am preparing the language changes for the agreement. These language changes will include protective clauses, representations, and will spell out what I contend to have been some of the understandings which we had. As an example, there will be certain generators who will agree to remove certain drums, etc. and I must spell out this provision.

I have also contacted George Terpak of Inmar to discuss their cost arrangements with S & W so that I may have a comparison. I did speak to Edward Egan, Esq. but he did not have any information concerning the cost arrangements.

As soon as I hear from Mr. Case and have spoken to Mr. Terpak I will advise you of the new developments.

Very truly yours,

PRESTO & BARBIRE

Paul S. Barbire

RECEIVED

SEP 7 1983